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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,686	07/20/2001	Roberto Ayala	YOR920010275US1/I31-0005	9950
48915 7590 04/13/2010 CANTOR COLBURN LLP-IBM YORKTOWN 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER THEIN, MARIA TERESA T				
ART UNIT 3627		PAPER NUMBER		
NOTIFICATION DATE 04/13/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERTO AYALA, MICHAEL P. MURRAY and
MAURICIO ALEJANDRO VILLALOBOS

Application 09/909,686
Technology Center 3600

Mailed: April 12, 2010

Before CAROLYN L. JOHNSON, *Supervisory Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 6, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

Appellants filed a Notice of Abandonment dated September 10, 2009. In a communication mailed on September 22, 2009 by the Examiner, it was indicated that the Notice of Abandonment was mailed in error. The Examiner further indicated that a subsequent

Examiner's Answer would be forthcoming indicating that claims 1-7, 9-16, and 33 would be rejected under the new grounds of rejection under 35 U.S.C. § 101. The indicated subsequent Examiner's Answer addressing these new grounds of rejection is not in the IFW. Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) generate and mail a subsequent Examiner's Answer addressing claims 1-7, 9-16, and 33 under the new grounds of rejection under 35 U.S.C. § 101; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ/alw

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